

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

RAYMOND SETZKE

PLAINTIFF

v.

Civil No. 07-5185

SHERIFF KEITH FERGUSON;
CAPTAIN HUNTER PETRAY;
OFFICER REYES; OFFICER
FRY; LT. CARTER; et al.

DEFENDANTS

ORDER

On May 19, 2008, plaintiff filed a motion to compel (Doc. 32). In his motion, he states he filed objections (Doc. 27) to the defendants' response (Doc. 25) to his motion to compel (Doc. 24). Setzke states the court has not yet ruled on his objections. He asks the court to assist him in getting through discovery so that this case may be set for trial.

The motion to compel referred to by Setzke was filed on March 12, 2008 (Doc. 24). Defendants filed a response to the motion on March 14, 2008 (Doc. 25). On April 9, 2008, Setzke filed objections to defendants' response (Doc. 27). On April 23, 2008, this court entered an order denying the motion to compel (Doc. 28). In the order, we noted that the motion to compel actually contained Setzke's initial requests for the production of documents. The court explained that initial discovery requests were served on the opposing party rather than filed with the court. The court also explained that a motion to compel was only utilized after the opposing party, failed, after good faith efforts were made to resolve the discovery dispute, to provide the discovery responses or provided discovery responses believed to be inadequate. The motion to

compel is to be accompanied by copies of the discovery requests propounded as well as the responses received.

Setzke's current motion to compel (Doc. 32) is not accompanied by copies of any discovery requests he propounded or by any responses he received from defendants that he believes are inadequate. Instead, he merely asserts that the court failed to rule on his prior objections (Doc. 27). He also makes the general assertion that defendants are not cooperating with him and he asks that the court order defendants to have all discovery in by an appropriate date so this matter can be set for trial and he can prepare his witness list. The motion to compel (Doc. 32) is denied.

IT IS SO ORDERED this 9th day of June 2008.

/s/ *J. Marschewski*

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE